THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.22013 OF 2005

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Dt: 07.10.2005

Between:

Bathu Jnanaratnam

.. Petitioner

AND

State of A.P. rep. by the Secretary,

Tribal Welfare, Secretariate Buildings, Hyderabad.

.. Respondent

ORDER:

The petitioner was issued a certificate to the effect that she belongs to Scheduled Tribe. Through orders, dated 05.09.1994, the Joint Collector, East Godavari, 2nd respondent, cancelled the caste certificate. Aggrieved thereby, initially, the petitioner challenged the same by filing W.P.No.17601 of 1994. The writ petition was disposed of on 01.07.2004, leaving it open to the petitioner to avail the remedy of appeal. Accordingly, she presented an appeal on 19.07.2004, before the 1st respondent, together with an application for stay. The 1st respondent rejected the application for stay through its order, dated 31.08.2005. The petitioner challenges the same.

Sri M.Lakshmana Sarma, learned counsel for the petitioner submits that the 1st respondent did not apply his mind to the facts of the case and rejected the application for stay in a mechanical manner. He contends that when the matter was pending before this Court the petitioner had the advantage of stay, and on account of dismissal of the application for stay by the

1st respondent, she is put to irreparable loss.

Learned Government Pleader for Social Welfare, on the other hand, submits that inasmuch as the petitioner is out of service, no prejudice can be said to have been caused to her, on account of rejection of stay. He submits that the appeal itself would be disposed of within a short time.

The appeal preferred by the petitioner under Andhra Pradesh (SC, ST and Bcs) Regulation of Issue of Community Certificates Act, 1993, is pending before the 1st respondent. She filed an application for stay, and the same was rejected by the 1st respondent through Memo, dated 31.08.2005. This Court would have stayed the operation of the order passed by the Joint Collector, had it been a case where the petitioner is exposed to immediate detriment or threat. She is out of service. The question of her deriving any benefit out of the caste certificate, at this stage, does not arise. At the same time, the 1st respondent has to dispose of the appeal itself, without any further delay.

For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders in the appeal itself, within a period of three months from the date of receipt of a copy of this order. In case, the appeal is not so disposed of, the order of the Joint Collector, dated 05.09.1994, shall remain stayed. During this period, the respondents shall not initiate any prosecution against the petitioner.

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L.NARASIMHA REDDY,J

Date:07.10.2005

Note: Furnish copy in

three days.

(B/o.) ***TS***